

RESOLUTION 2007-09

A RESOLUTION OF THE TOWN OF SILVERTON, COLORADO FINDING THE PROPERTY KNOWN AS THE CLEMMONS PLACER ELGIBLE FOR ANNEXATION

WHEREAS, the Town of Silverton enacted Resolution No. 2007-06, finding the petition for annexation for the property commonly known as Clemmons Placer (the "Property") and as more fully described on the legal description attached hereto as Exhibit A and incorporated herein by this reference in substantial compliance with the requirements of the Municipal Annexation Act, and set a date of June 25, 2007, for a hearing before the Town Board of the Town of Silverton concerning the eligibility of the property for annexation; and

WHEREAS, four copies of an Annexation Map were filed with the Town and reviewed along with the petitions as required by § 31-12-107, C.R.S.; and

WHEREAS, the property is less than 10 acres in size and therefore an Annexation Impact Report was not prepared pursuant to § 31-12-108.5, C.R.S.; and

WHEREAS, pursuant to Resolution No. 2007-06, the Town published notice of the hearing on eligibility for annexation in a newspaper of general circulation within the Town, once per week for four successive weeks, the first publication of which was at least thirty days prior to the date of the hearing on eligibility for annexation of the property; and

WHEREAS, the Town Board held a public hearing on the eligibility of the Property for annexation on June 25, 2007. At such hearing, any person permitted to appear pursuant to § 31-12-109 (1), C.R.S. was given the opportunity to appear and present evidence on any matter to be determined by the Town Board; and

WHEREAS, the Town Board heard the statements of Town staff, petitioners and members of the public.

NOW, THEREFORE, THE TOWN BOARD OF TRUSTEES OF THE TOWN OF SILVERTON, COLORADO FINDS AND RESOLVES AS FOLLOWS:

1. The above recitals and all exhibits are incorporated herein by this reference, and the Town Board makes all of the findings of fact, determinations and conclusions contained herein.
2. In accordance with requirements of § 31-12-110(1), C.R.S., the Town Board finds the applicable requirements of § 31-12-104, C.R.S. and § 31-12-105, C.R.S., have been met including the following:
 - a. Not less than one-sixth of the perimeter of the Property is contiguous with the Town;
 - b. Based upon contiguity only, as provided in § 31-12-104(1)(b), C.R.S., a community of interest exists between the Property and the Town;

c. Based upon contiguity only, as provided in § 31-12-104(1)(b), C.R.S., the property is urban or will be urbanized in the future;

d. Based upon contiguity only, as provided in § 31-12-104(1)(b), C.R.S., the Property is integrated with or capable of being integrated with the Town;

e. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tract of parcels of real estate is to be divided into separate parts or parcels without the written consent of the owners;

f. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tract of parcels of real estate, comprising 20 acres or more with an assessed valuation including buildings and improvements in excess of \$200,000.00 for ad valorem taxes, is included without the written consent of the land owners;

g. No petition for annexation of the Property has been commenced in another municipality;

h. No area to be annexed would result in the detachment of area from any school district.

3. The Town Board finds an election is not required pursuant to § 31-12-107(2), C.R.S..

4. The Town Board finds that none of the area proposed to be annexed to the Town is presently a part of any incorporated city or town and is not contiguous to any incorporated city or town.

5. The Town Board finds that the names and mailing addresses of the signers of the Petition, dates of signing the Petition, and the legal description of the Property owned by the petitioner is attached to the Petition. Furthermore, no signature on the Petition is dated more than 180 days prior to the date of filing of the Petition with the Town.

6. The Town Board concludes, determines and resolves that the Property is eligible for annexation pursuant to the requirements of the Municipal Annexation Act.

THIS RESOLUTION was adopted the 9th day of July, 2007 by the Board of Trustees of the Town of Silverton, Colorado.

ATTEST:

Anita Steck, Acting Deputy Clerk/Treasurer

Gregory Swanson, Mayor
Town of Silverton